

## **AGENDA**

Pursuant to A.R.S. § 38-431.03(A)(3), the Commission may vote to go into Executive Session for the purpose of obtaining legal advice from its attorney on any matter listed on the agenda. Any such Executive Session will not be open to the public.

### **A. Call to Order of the 673<sup>rd</sup> Regular Arizona Racing Commission Meeting of September 12, 2019 at 10:00 AM.**

#### **Commissioners Present:**

**Chair Rory Goreé (Telephone)**  
**Vice Chair Thomas Lawless (Telephone)**  
**Commissioner Jay McClintock (Acting Chair for this meeting)**  
**Commissioner Charles "Chuck" Coolidge (Telephone)**

#### **Also present:**

**Ted Vogt, Gaming Director**  
**Rudy Casillas, Racing Division Director**  
**Kelly Wagner, Assistant Attorney General**  
**Kristian Fasching, Gaming General Counsel**  
**Greg Stiles, Racing Program Manager**  
**Camila Alarcon, Esq., (Items B.1 and C.2 only)**  
**Patrick Irvine, Esq. (Item B.2 only)**  
**Cassie Goodwin, Commission Secretary**

### **B. Executive Session**

The following item is for Executive Session purposes only:

1. *Simms v. Simms, et al.*, Case No. 1 CA-CV 18-0546, and *Simms v. Arizona Racing Commission, et al.*, Case No. LC2016-000505, regarding a Racing License for Ronald A. Simms, Case No. 14A-020-RAC. The Commission may vote to go into Executive Session under A.R.S. § 38-431.03(A)(3) or (4) in order to discuss with and instruct its attorneys on this matter.

**Acting Chair McClintock asked for a motion to go into Executive Session. Chair Goreé moved to go into Executive Session for Item B.1. Commissioner Lawless second. Motion carried. (Ayes: Coolidge, Goreé, Lawless, McClintock.)**

**Open Session recessed at 10:01 AM.**  
**Open Session reconvened at 10:12 AM.**

**No action taken on this matter.**

2. *Monarch Content Management LLC, et al. v. Arizona Department of Gaming, et al.*, Case No. CV-19-04928-PHX-JJT, regarding HB2547. The Commission may vote to go into Executive Session under A.R.S. § 38-431.03(A)(3) or (4) in order to discuss with and instruct its attorneys on this matter.

**Acting Chair McClintock asked for a motion to go into Executive Session. Chair Goreé moved to go into Executive Session for Item B.2. Commissioner Coolidge second. Motion carried. (Ayes: Coolidge, Goreé, Lawless, McClintock.)**

**Open Session recessed at 10:12 AM.  
Open Session reconvened at 10:27 AM.**

**No action taken on this matter.**

### **C. Action Items**

1. Turf Paradise Requests Approval of the Following Off-track Betting Facility:
  - Copper Still Moonshine Grill located at 7450 W Chandler Blvd, Chandler, Arizona 85226

**Greg Stiles addressed the Commission.  
David Johnson addressed the Commission.**

**Commissioner Lawless moved to approve the Copper Still Moonshine Grill as a Turf Paradise OTB. Commissioner Goreé second. Motion carried. (Ayes: Coolidge, Goreé, Lawless, McClintock.)**

2. *Notice of Appeal to Arizona Racing Commission of Director's June 25, 2019 Ruling Deeming Ronald A. Simms's License Application to be Incomplete*, filed on July 24, 2019, by Ronald A. Simms. On August 5, 2019, the parties filed a *Joint Stipulation to Stay Consideration of Ronald A. Simms's Notice of Appeal to the Arizona Racing Commission of Director's June 25, 2019 Ruling Deeming Ronald A. Simms's License Application to be Incomplete*, requesting the Commission to stay this matter until at least up through and including the resolution of the Court of Appeals Proceedings (1 CA-CV 18-0546), and, if applicable, any subsequent proceedings arising therefrom from the Arizona Supreme Court. The Commission may vote to go into Executive Session under A.R.S. § 38-431.03(A)(3) in order to discuss or consult for legal advice with its attorneys.

**Camila Alarcon, Esq., addressed the Commission.  
Nathan Novak, Esq., addressed the Commission.**

**Commissioner Goreé moved to grant the stay on consideration of Ronald Simms's license application. Commissioner Lawless second. Motion carried. (Ayes: Coolidge, Goreé, Lawless, McClintock.)**

3. Approval of September 2019 Simulcast Horse Racing Import Signals

**Tom Auther addressed the Commission regarding the Monarch Content signal.**

**Acting Chair McClintock asked for a motion to go into Executive Session. Commissioner Coolidge moved to go into Executive Session for Item C.3. Commissioner Goreé second. Motion carried. (Ayes: Coolidge, Goreé, Lawless, McClintock.)**

**Open Session recessed at 10:36 AM.  
Open Session reconvened at 11:11 AM.**

**Gaming Director Ted Vogt addressed the Commission.  
Racing Director Rudy Casillas addressed the Commission.**

A. Arizona Downs

1. Belmont Park Fall Meet

**Commissioner Goreé moved for conditional approval of the Arizona Downs/Belmont Park simulcast agreement until the next Commission meeting providing the Department can provide the Commission documentation on the full review of the contract and documentation on the administrative process. Commissioner Lawless second. Motion carried. (Ayes: Coolidge, Goreé, Lawless, McClintock.)**

2. Churchill Downs Fall Meet

**Commissioner Goreé moved for conditional approval of the Arizona Downs/Churchill Downs Fall Meet simulcast agreement until the next Commission meeting providing the Department can provide the Commission documentation on the full review of the contract and documentation on the administrative process. Commissioner Lawless second. Motion carried. (Ayes: Coolidge, Goreé, Lawless, McClintock.)**

3. Kentucky Downs

**Commissioner Goreé moved for conditional approval of the Arizona Downs/Kentucky Downs simulcast agreement until the next Commission meeting providing the Department can provide the Commission documentation on the full review of the contract and documentation on the administrative process. Commissioner Lawless second. Motion carried. (Ayes: Coolidge, Goreé, Lawless, McClintock.)**

4. Laurel Park Fall Meet

**Commissioner Goreé moved for conditional approval of the Arizona Downs/Laurel Park Fall Meet simulcast agreement until the next Commission meeting providing the Department can provide the Commission documentation on the full review of the contract and documentation on the administrative process. Commissioner Lawless second. Motion carried. (Ayes: Coolidge, Goreé, Lawless, McClintock.)**

5. Los Angeles County Fair @ Los Alamitos

**Commissioner Goreé moved for conditional approval of the Arizona Downs/Los Angeles County Fair @ Los Alamitos simulcast agreement until the next Commission meeting providing the Department can provide the Commission documentation on the full review of the contract and documentation on the administrative process. Commissioner Lawless second. Motion carried. (Ayes: Coolidge, Goreé, Lawless, McClintock.)**

B. Turf Paradise

1. Belmont Park Fall Meet

**Commissioner Goreé moved for conditional approval of the Turf Paradise/Belmont Park Fall Meet simulcast agreement until the next Commission meeting providing the Department can provide the Commission documentation on the full review of the contract and documentation on the administrative process. Commissioner Lawless second. Motion carried. (Ayes: Coolidge, Goreé, Lawless, McClintock.)**

2. Kentucky Downs

**Commissioner Goreé moved for conditional approval of the Turf Paradise/Kentucky Downs simulcast agreement until the next Commission meeting providing the Department can provide the Commission documentation on the full review of the contract and documentation on the administrative process. Commissioner Lawless second. Motion carried. (Ayes: Coolidge, Goreé, Lawless, McClintock.)**

3. Laurel Park Fall Meet

**Commissioner Goreé moved for conditional approval of the Turf Paradise/Laurel Park Fall Meet simulcast agreement until the next Commission meeting providing the Department can provide the Commission documentation on the full review of the contract and documentation on the administrative process. Commissioner Lawless second. Motion carried. (Ayes: Coolidge, Goreé, Lawless, McClintock.)**

4. Los Angeles County Fair @ Los Alamitos

**Commissioner Goreé moved for conditional approval of the Turf Paradise/Los Angeles County Fair @ Los Alamitos simulcast agreement until the next Commission meeting providing the Department can provide the Commission documentation on the full review of the contract and documentation on the administrative process. Commissioner Lawless second. Motion carried. (Ayes: Coolidge, Goreé, Lawless, McClintock.)**

4. Conditional Approval of September 2019 Simulcast Horse Racing Import Signals

**Greg Stiles addressed the Commission.**

A. Arizona Downs

1. Santa Anita, Fall Meet (Begins 09/27/2019)

**Commissioner Goreé moved for conditional approval of the Arizona Downs/Santa Anita Fall Meet, which begins September 27, 2019, simulcast agreement until the next Commission meeting providing the Department can provide the Commission documentation on the full review of the contract and documentation on the administrative process. Commissioner Lawless second. Motion carried. (Ayes: Coolidge, Goreé, Lawless, McClintock.)**

B. Turf Paradise

1. Will Rogers Downs QH (Begins 09/07/2019)

**Commissioner Goreé moved for conditional approval of the Turf Paradise/Will Rogers Downs QH, which begins September 07, 2019, simulcast agreement until the next Commission meeting, providing the Department can provide documentation that the contract is complete and documentation on the administrative process. Commissioner Lawless second. Motion carried. (Ayes: Coolidge, Goreé, Lawless, McClintock.)**

2. Churchill Downs, Fall Meet (Begins 09/13/2019)

**Commissioner Goreé moved for conditional approval of the Turf Paradise/Churchill Downs Fall Meet, which begins September 13, 2019, simulcast agreement until the next Commission meeting, providing the Department can provide documentation that the contract is complete and documentation on the administrative process. Commissioner Lawless second. Motion carried. (Ayes: Coolidge, Goreé, Lawless, McClintock.)**

3. Lone Star Park QH Meet (Begins 09/20/2019)

**Commissioner Goreé moved for conditional approval of the Turf Paradise/Lone Star Park QH Meet, which begins September 20, 2019, simulcast agreement until the next Commission meeting, providing the Department can provide documentation that the contract is complete and documentation on the administrative process. Commissioner Lawless second. Motion carried. (Ayes: Coolidge, Goreé, Lawless, McClintock.)**

4. Zia Park (Begins 09/21/2019)

**Commissioner Goreé moved for conditional approval of the Turf Paradise/Zia Park, which begins September 21, 2019, simulcast agreement until the next Commission meeting, providing the Department can provide documentation that the contract is complete and documentation on the administrative process. Commissioner Lawless second. Motion carried. (Ayes: Coolidge, Goreé, Lawless, McClintock.)**

5. Santa Anita Park, Fall Meet (Begins 09/27/2019)

**Commissioner Goreé moved for conditional approval of the Turf Paradise/Santa Anita Park Fall Meet, which begins September 27, 2019, simulcast agreement until the next Commission meeting, providing the Department can provide documentation that the contract is complete and documentation on the administrative process. Commissioner Lawless second. Motion carried. (Ayes: Coolidge, Goreé, Lawless, McClintock.)**

6. Evangeline Downs (Begins 09/27/2019)

**Commissioner Goreé moved for conditional approval of the Turf Paradise/Evangeline Downs, which begins September 27, 2019, simulcast agreement until the next Commission meeting, providing the Department can provide documentation that the contract is complete and documentation on the administrative process. Commissioner Lawless second. Motion carried. (Ayes: Coolidge, Goreé, Lawless, McClintock.)**

**Commissioner Goreé left the meeting at this time (11:31 AM).**

**Leroy Gessmann, AZ HBPA addressed the Commission regarding the process and approval of HBPA on the signals. He also requested copies of the contracts so they can review for approval. Any November signals should be approved at the October meeting.**

**Director Casillas advised permittees will have to submit information to the Racing Division on a more timely basis so everything is in order before the race meets begin.**

**Dave Johnson, Assistant GM of Turf Paradise, addressed the Commission regarding the difference between initial contracts and renewal contracts and HBPA approvals.**

**Lloyd Yother, HBPA, addressed the Commission in response to Mr. Johnson's comments. Also requested information from Turf when an OTB closes, not just opens.**

**Director Casillas advised that, with the new law in place, all contracts must be submitted and research is being done regarding initial and renewal contracts. The Department will inform the Commission at a future meeting of the findings.**

**Buzz Alston, Esq., Turf Paradise, addressed the Commission regarding pending arbitration on October 3<sup>rd</sup>. He is confident the issues will be resolved.**

#### **D. Information Reports**

1. Safety Report(s) (Greg Stiles) – **Greg Stiles addressed the Commission.**
2. Budget Report (Jason La Forest, CFO) – **Jason La Forest addressed the Commission.**
3. Legislative Update HB2547 (Aiden Fleming) – **Aiden Fleming addressed the Commission.**
4. Permittee Reports – **Not to exceed 3 minutes**
  - a. American Greyhound Racing – **Jeff Huff addressed the Commission.**
  - b. Arizona Downs – **Anne McGovern, General Manager, addressed the Commission. Tom Auther, Arizona Downs, addressed the Commission regarding the Monarch Signal and OTB network in response to Commissioner Coolidge's comments. Jerry Simms, Turf Paradise, addressed the Commission in response to these comments. Tom Auther responded to Mr. Simms's comments.**
  - c. County Fairs – **No report.**
  - d. Rillito Park – **No report.**
  - e. Tucson Greyhound Park – **No report.**
  - f. Turf Paradise – **Vincent Francia, General Manager, addressed the Commission.**

5. Optional Industry Stakeholder Association Updates (limited to officers or officially designated spokesperson) – **Not to exceed 3 minutes**
  - a. Arizona Counties Racing Association – **No report.**
  - b. Arizona Quarter Horse Racing Association – **Loretta Brashear, Executive Director, addressed the Commission.**
  - c. Arizona Thoroughbred Breeders Association – **No report.**
  - d. Horsemen's Benevolent & Protective Association – **Lloyd Yother addressed the Commission. Vincent Francia addressed the Commission in response to concerns Mr. Yother raised.**
  - e. Jockey's Guild – **No report.**

#### **E. Commission Reports**

1. Summary of Current Events Affecting the Arizona Racing Commission. A.R.S. § 38-431.02(K) – Only Commission Members or the Director may report. No discussion or action may be taken on matters reported unless properly noticed for legal action or discussion. **None indicated at this time.**
2. Identification of Matters to be placed on future agendas. **None specified at this time.**

#### **F. Call to the Public**

Those members of the public wishing to address the Commission must sign the signup sheet and be recognized by the Chair. Time permitting; each presentation will be given approximately two minutes. Action taken as a result of public comment will be limited to directing staff to study the matter or re-schedule the matter for further consideration at a later date.

**No one addressed the Commission.**

#### **G. Announcements**

The next regular Arizona Racing Commission meeting tentatively is scheduled for **10:00 AM on Thursday, October 10, 2019**, at 1110 West Washington St., Building Conference Room 250, 2nd Floor, Phoenix, Arizona, and is subject to change based on a quorum. For current information about the Arizona Racing Commission meeting schedule, please visit the Arizona Department of Gaming-Racing Division website (<https://racing.az.gov/racing-commission/commission-calendar-schedule>) or call Cassie Goodwin at 602-771-4263.

#### **H. Adjournment**

**Commissioner Lawless moved to adjourn the meeting. Commissioner Coolidge second. Motion Carried. (Ayes: Coolidge, Lawless, McClintock.) Meeting adjourned at 12:06 PM.**